

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ETHICON ENDO-SURGERY, INC.,	:	
	:	
	:	
Plaintiff,	:	Civil Action No. 07-cv-00834
	:	Judge: Michael R. Barrett
v.	:	
	:	
HOLOGIC, INC. and SUROS SURGICAL SYSTEMS, INC.,	:	
	:	
	:	
Defendants.	:	

**DEFENDANTS' NOTICE OF MANUAL FILING OF MOTION
TO STRIKE EXPERT REPORT AND EXCLUDE EXPERT
TESTIMONY OF PLAINTIFF'S INFRINGEMENT EXPERT AND EXHIBITS
THERE TO**

Defendants Hologic, Inc. and Suros Surgical Systems, Inc. (collectively, "Hologic") hereby notice this Court and counsel of record that the following documents relating to Defendants' Motion to Strike Expert Report and Exclude Expert Testimony of Plaintiff's Infringement Expert will be manually filed with the Court via hand-delivery on September 21, 2009:

1. Defendants' Motion to Strike Expert Report and Exclude Expert Testimony of Dr. Arthur C. Erdman,
2. Defendants' Memorandum in Support of Their Motion to Strike Expert Report and Exclude Expert Testimony of Dr. Arthur C. Erdman, and
3. Exhibits 1 and 2 to the Declaration of Jonathan W. Woodard in Support of Defendants' Motion to Strike Expert Report and Exclude Expert Testimony of Dr. Arthur C. Erdman

These documents contain confidential information under the protective order and therefore cannot be electronically filed. Electronic copies are being served on counsel of record for Plaintiff on September 18, 2009.

September 18, 2009

Respectfully submitted,

James E. Burke (#0032731)
KEATING, MUETHING & KLEKLAMP, P.L.L.
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
Tel: (513) 579-6400
Fax: (513) 579-6457
jburke@kmmklaw.com

Of Counsel:

Lisa J. Pirozzolo (admitted *pro hac vice*)
Patrick M. Callahan (admitted *pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6000
Fax: (617) 526-5000

Robert J. Gunther, Jr. (admitted *pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Tel: (212) 230-8800
Fax: (212) 230-8888

*Trial Attorneys for Defendants Hologic, Inc. and
Suros Surgical Systems, Inc.*

CERTIFICATE OF SERVICE

I, Jonathan W. Woodard, hereby certify that on September 18, 2009 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system.

/s/ Jonathan W. Woodard
Jonathan W. Woodard